

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EMILIO L. VOZZOLO, on behalf of himself and all others similarly situated,	Civil Action No.: 7-20-cv-03503 (PMH)
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Plaintiff,

v.

AIR CANADA,

Defendant.

THOMAS PIERCY, on behalf of himself and all others similarly situated,	Civil Action No.: 1:20-cv-04988 (PMH)
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Plaintiff,

v.

AIR CANADA,

Defendant.

NIKKI M. ABSKARON, PETER A. ABSKARON, and BARRY WINOGRAD, on behalf of themselves and all others similarly situated,	Civil Action No.: 7:20-cv-11037 (PMH)
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Plaintiffs,

AIR CANADA,

Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Plaintiffs Vozzolo, Winograd, and Piercy hereby move this Court, the Honorable Philip M. Halpern, for an Order Issuing a Preliminary Injunction. Plaintiffs respectfully request that the Court direct Air Canada to place into escrow 30% of any yet to be paid refunds¹ to putative class members pending

¹ As used herein, “refunds” shall include both cash and vouchers payable under Air Canada’s “Covid-19 Goodwill Period” change in refund policy. *See Vozzolo*, ECF No. 38.

a determination of whether the claims of the class are mooted and if so, whether Plaintiffs' suits were a substantial cause of the refund policy change. Pursuant to Rule 2.C of Your Honor's Individual Practices in Civil Litigation, Plaintiffs did not write a pre-conference letter to the Court in advance of this motion because, as discussed in the supporting Memorandum of Law, delay could result in a loss of their rights.

DATED: June 29, 2021

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